



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,857	11/06/2001	Francois Jeanjean	Q66781	4390

7590 06/14/2005

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

PHAM, BRENDA H

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary	Application No. 09/985,857	Applicant(s) JEANJEAN ET AL.	
	Examiner Brenda Pham	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/6/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosmark et al (US 6,084,881) in view of Abler et al (US 6,504,851 B1).

Claims 1, 5-8, Fosmark et al discloses device (ADSL_MODEM2) (62) having Ethernet interfacing capability and ATMForum interfacing capability, characterized in that said device (ADSL_MODEM2), is equipped with a single connector (ETH/ATMF_CON). Fosmark et al does not teach (ETH/ATMF_CON) comprising four pairs of pins (P1, P2, P3, P4) able to interface with an Ethernet plug and to interface with an ATMForum plug.

Abler et al in the same field of endeavor, teach a RJ-45 (four pairs pins) connector able to interface with an Ethernet plug and the interface with an ATMForum plug).

{Abler et al teach an the logic provides for a non-disruptive detection of the LAN protocol by carefully ordering the protocol detection steps. First, the adapter tests for Ethernet by listening on the appropriate RJ-45 contacts. If Ethernet is not detected, the

Art Unit: 2664

adapter tests for Token-Ring using the loopback test defined in the IEEE 802.5 Token-Ring standard. Finally, having determined that the LAN segment is not Ethernet or Token-Ring, the adapter tests for ATM-25 and then ATM-155. The test for ATM is first to listen, and then to transmit. The logic provides for positive detection of the LAN protocol is unknown or the cable is not attached to the network (col. 7, lines 19-32, also see col. 4, lines 45-50)).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the adapter for multi-protocol LAN supports, which is applicable to Ethernet, Token-Ring and ATM protocols, such as that taught by Abler et al, in Fosmark et al, to provides for automatic determination of the LAN protocol type and speed. A common adapter card is provided for use in the workstation to interface the workstation to any of the LANs of interest.

Allowable Subject Matter

4. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach or fairly suggest in combination device (ADSL_MODEM2) according to claim 1, characterized in that said device further comprises an Ethernet driver (ETH_DRV) with a output coupled to a first pair of pins

Art Unit: 2664

(P1), an ATMForum driver (ATMF_DRV) with an output coupled to a second pair of pins (P2), and a receiver (RX) with an input coupled to a third pair of pins (P3).

Conclusion

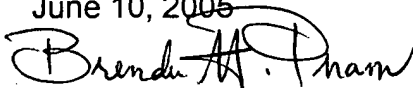
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Brenda Pham

June 10, 2005

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style with a large, stylized "B" and "P".